



## AMENDMENTS TO RULES OF PROCEDURE

### Note by the Director

<b>Summary:</b>	This document sets out proposed amendments to the Rules of Procedure of the 1992 Fund Assembly.
<b>Action to be taken:</b>	Adoption of the proposed amendments.

### **1**     **The issue**

- 1.1     During its consideration in May 2004 of the preparations for the entry into force of the Supplementary Fund Protocol, the Assembly of the 1992 Fund agreed amendments to Rules 1, 4, 5 and 14 of the Rules of Procedure for the 1992 Fund Assembly proposed by the Director. The Assembly endorsed the Director's proposal that the 1992 Fund Assembly should adopt the amendments to these Rules of Procedure at the same time as the Supplementary Fund's Rules of Procedure were adopted (document 92 FUND/A/ES.8/4, paragraph 3.2.6).
- 1.2     The proposed amendments to the Rules of Procedure for the 1992 Fund Assembly are set out in the Annex.
- 1.3     The 1971 Fund Assembly's Rules of Procedure contain in Rule 41 provisions on the election of the Executive Committee in accordance with Articles 22 and 23 of the 1971 Fund Convention. As for the 1992 Fund, the provisions governing the election of the Executive Committee are contained in 1992 Fund Resolution N°3 adopted by the Assembly. In view of the close link between the 1992 Fund and the Supplementary Fund, it is proposed to re-number Rules 42-57 of the 1992 Fund Assembly's Rules of Procedure so as to coincide with the numbering in the Rules of Procedure for these two Organisations.

### **2**     **Action to be taken by the Assembly**

The Assembly is invited to adopt the proposed amendments to its Rules of Procedure.

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## ANNEX

### RULES OF PROCEDURE FOR THE ASSEMBLY OF THE INTERNATIONAL OIL POLLUTION COMPENSATION FUND ESTABLISHED UNDER THE 1992 FUND CONVENTION (Proposed amendments highlighted)

Present text	Proposed text
<b>Rule 1</b>	
<p>For the purpose of these Rules:</p> <p>(a) "1992 Fund Convention" means the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1992;</p> <p>(b) "Member" means a State for which the 1992 Fund Convention is in force;</p> <p>(c) "1992 Fund" means the International Oil Pollution Compensation Fund established under the 1992 Fund Convention;</p> <p>(d) "1971 Fund Convention" means the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1971;</p> <p>(e) "1971 Fund" means the International Oil Pollution Compensation Fund established under the 1971 Fund Convention.</p>	<p>For the purpose of these Rules:</p> <p>(a) "1992 Fund Convention" means the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1992;</p> <p>(b) "Member" means a State for which the 1992 Fund Convention is in force;</p> <p>(c) "1992 Fund" means the International Oil Pollution Compensation Fund established under the 1992 Fund Convention;</p> <p>(d) "1971 Fund Convention" means the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1971;</p> <p>(e) "1971 Fund" means the International Oil Pollution Compensation Fund established under the 1971 Fund Convention;</p> <p>(f) "Supplementary Fund" means the International Oil Pollution Compensation Supplementary Fund established under the Protocol of 2003 to the 1992 Fund Convention.</p>
<b>Rule 4</b>	
<p>The Director with the approval of the Chairman shall invite:</p> <p>(a) States which have signed the 1992 Fund Convention or which have deposited the appropriate instrument in respect of that Convention, but for which that Convention is not yet in force;</p> <p>(b) States which have notified the 1992 Fund that they are considering accession to the 1992 Fund Convention;</p> <p>(c) States which are Members of the 1971 Fund but not of the 1992 Fund; and</p> <p>(d) States which would be invited to send observers to meetings of the Assembly of the 1971 Fund, in accordance with the Rules of Procedure of that Fund</p> <p>to send observers to sessions of the Assembly.</p>	<p>The Director with the approval of the Chairman shall invite:</p> <p>(a) States which have signed the 1992 Fund Convention or which have deposited the appropriate instrument in respect of that Convention, but for which that Convention is not yet in force;</p> <p>(b) States which have notified the 1992 Fund that they are considering accession to the 1992 Fund Convention;</p> <p>(c) States which <del>were</del> Members of the 1971 Fund but <del>are</del> not Members of the 1992 Fund; and</p> <p>(d) States which would be invited to send observers to meetings of the <del>Administrative Council</del> of the 1971 Fund, in accordance with the Rules of Procedure of that Fund</p> <p>to send observers to sessions of the Assembly.</p>

Present text	Proposed text
<b>Rule 5</b>	
<p>The Director shall invite to be represented by observers at any session of the Assembly:</p> <p>(a) the 1992 Fund;</p> <p>(b) the United Nations;</p> <p>(c) the International Maritime Organization;</p> <p>(d) any other specialized agency of the United Nations whose interests and those of the 1971 Fund are of common concern;</p> <p>(e) any other inter-governmental organisation and any international non-governmental organisation which the Assembly has decided to admit to its meetings in accordance with Article 18.10 of the 1971 Fund Convention.</p>	<p>The Director shall invite to be represented by observers at any session of the Assembly:</p> <p>(a) the 1992 Fund;</p> <p>(b) <del>the 1992 Fund;</del> <b>the Supplementary Fund;</b></p> <p>(c) the United Nations;</p> <p>(d) the International Maritime Organization;</p> <p>(e) any other specialized agency of the United Nations whose interests and those of the 1971 Fund are of common concern;</p> <p>(f) any other inter-governmental organisation and any international non-governmental organisation which the Assembly has decided to admit to its meetings in accordance with Article 18.10 of the 1971 Fund Convention.</p>
<b>Rule 14</b>	
<p>The provisional agenda of each regular session of the Assembly shall include in addition to those items required by the application of Article 18 of the 1971 Fund Convention:</p> <p>(a) all items, the inclusion of which has been requested by the Assembly at a previous session;</p> <p>(b) all items, the inclusion of which has been requested by the Executive Committee;</p> <p>(c) any item proposed by a Member of the 1971 Fund;</p> <p>(d) any item on matters pertaining to the budget, accounts and financial arrangements of the 1971 Fund;</p> <p>(e) subject to such preliminary consultations as may be necessary, any item proposed by any of the specialized agencies of the United Nations;</p> <p>(f) any items, the inclusion of which has been requested by the Assembly of the 1992 Fund.</p>	<p>The provisional agenda of each regular session of the Assembly shall include in addition to those items required by the application of Article 18 of the 1971 Fund Convention:</p> <p>(a) all items, the inclusion of which has been requested by the Assembly at a previous session;</p> <p>(b) all items, the inclusion of which has been requested by the Executive Committee;</p> <p>(c) any item proposed by a <del>Member</del> <b>former</b> Member of the 1971 Fund;</p> <p>(d) any item on matters pertaining to the budget, accounts and financial arrangements of the 1971 Fund;</p> <p>(e) subject to such preliminary consultations as may be necessary, any item proposed by any of the specialized agencies of the United Nations;</p> <p>(f) any items, the inclusion of which has been requested by the Assembly of the 1992 Fund</p> <p>(g) <b>any items, the inclusion of which has been requested by the Assembly of the Supplementary Fund</b></p>